

# Court of Appeals, State of Michigan

## ORDER

State Farm Fire & Casualty Co v Aladdin Heating & Cooling

Docket No. 267505

LC No. 03-326169 NZ

Henry William Saad  
Presiding Judge

E. Thomas Fitzgerald

Jessica R. Cooper  
Judges

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The Court orders that the motion for immediate consideration is GRANTED.

The Court orders that the motion for reconsideration is DENIED.

The motion to waive the requirements of MCR 7.209(A)(3) is DENIED.

The motion for stay pending appeal is DENIED.

Judge Cooper would grant the motion for reconsideration, grant the motion for stay and grant the motion to waive MCR 7.209 requirements. The replacement of the furnace does not constitute an improvement within the meaning of MCL 600.5839. A furnace in Michigan is a requisite element of a home. Replacement is necessary when it is beyond repair. Unless it is a major upgrade, this constitutes maintenance.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 10 2006  
Date

*Sandra Schultz Mengel*  
Chief Clerk